

No. 12-6519

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUITSHEMEKA IBRAHIM,

Plaintiff-Appellant,

v.

MURFREESBORO MEDICAL CLINIC,
P.A.; ANDREW H. FORD, Dr.; SLEEP
MEDICINE OF MIDDLE TENNESSEE;
KELLY A. CARDEN; SLEEP STUDY OF
MIDDLE TENNESSEE; MURFREESBORO
MEDICAL CLINIC SURG. CENTER PA,

Defendants-Appellees.O R D E R**FILED**
Jan 07, 2013
DEBORAH S. HUNT, Clerk

Before: GUY and ROGERS, Circuit Judges; HOOD, District Judge.*

This matter is before the court for sua sponte consideration of appellate jurisdiction. *See Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006); *Liberty Mut. Ins. Co. v. Wetzel*, 424 U.S. 737, 740 (1976). Federal Rule of Appellate Procedure 3(c)(1)(B) requires a notice of appeal to “designate the judgment, order, or part thereof being appealed.” Courts liberally construe the requirements of Rule 3, but its requirements are jurisdictional and noncompliance is fatal to appellate jurisdiction. *See Smith v. Barry*, 502 U.S. 244, 248 (1992). Although this court has liberally construed notices of appeal where appropriate, *see United States v. Paull*, 551 F.3d 516, 521 n.1 (6th Cir. 2009), the court has not accepted appellate jurisdiction where a party makes no reference at all to a judgment or order that the party intends to appeal. *See Isert v. Ford Motor Co.*, 461 F.3d 756, 760-61 (6th Cir. 2006); *United States v. Glover*, 242 F.3d 333, 336-37 (6th Cir. 2001).

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

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The documents before the court indicate that the district court entered an order dismissing the civil rights action for lack of subject matter jurisdiction on October 16, 2012, and subsequently denied as moot Ibrahim's motion for leave to file an amended complaint. On November 9, 2012, Shemeka Ibrahim filed a document styled "Motion/Complaint for an Appeal," in which she appears to request permission to transfer her case to the "appeal court in Nashville, Tennessee" and to "grant [her] appeal and allow [her] to forward this case to the State of Tennessee Appeals Court." She acknowledges in this filing that "[l]awsuits alleging medical malpractice are generally filed in a state trial court," but she also claims that "[f]ederal courts may also be appropriate for filing malpractice claims where a complete diversity of state citizenship exists . . . or if a federal question is invoked." Ibrahim does not make any reference to any judgment or order that she intends to appeal. Except for its title, the November 9, 2012 document does not appear to be a notice of appeal seeking review of any district court order. *See* Fed. R. App. P. 3(c). Consequently, Ibrahim has completely failed to comply with the requirements of Rule 3(c)(1)(B), and this court lacks appellate jurisdiction.

Accordingly, the appeal is dismissed for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah L. Smith", is written over the printed name of the Clerk.

Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: January 07, 2013

Ms. Shemeka Ibrahim
3916 Tea Garden Way
Antioch, TN 37013

Re: Case No. 12-6519, *Shemeka Ibrahim v. Murfreesboro Medical Clinic, et al*
Originating Case No. : 3:12-cv-01019

Dear Ms. Ibrahim,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Laura A. Jones
Case Manager
Direct Dial No. 513-564-7023

cc: Mr. Keith Throckmorton

Enclosure

No mandate to issue